

1 Jeffrey S. Allison (NV Bar # 8949)

HOUSER LLP

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6 Attorneys for PHH MORTGAGE CORPORATION, successor to OCWEN LOAN SERVICING,
LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

Case No. 09-29123-MKN

10 In Re:

Chapter 11

11 MELANI SCHULTE and
WILLIAM R. SCHULTE,

Jointly Administered with:

12 2704 SATTLEY LLC,
13 HOT ENDEAVOR LLC,
1341 MINUET LLC
14 1708 PLATO PICO LLC,
2228 WARM WALNUT LLC,
15 9425 VALLEY HILLS LLC,
9500 ASPEN GLOW LLC,
16 5218 MISTY MORNING LLC,
CHERISH LLC,
17 SABRECO INC.,
KEEP SAFE LLC,

09-31585-MKN
09-27238-MKN
09-27909-MKN
09-27910-MKN
09-27911-MKN
09-27912-MKN
09-27913-MKN
09-27914-MKN
09-27916-MKN
09-28513-MKN
09-31584-MKN

18 Debtors.

**DECLARATION OF JEFFREY S.
ALLISON IN SUPPORT OF OPPOSITION
OF PHH TO DEBTORS' MOTION FOR
CONTEMPT FOR VIOLATION OF THE
AUTOMATIC STAY AND DISCHARGE
INJUNCTION, FAILING TO COMPLY
WITH A COURT ORDER AND THE
CONFIRMED PLAN AND FOR DAMAGES
AGAINST CREDITORS [DOC 1334]**

Date: June 9, 2021 (status hearing)

Time: 9:30 a.m.

Judge: HON MIKE K. NAKAGAWA

DECLARATION OF JEFFREY ALLISON, ESQ.

I, Jeffrey S. Allison, declare as follows:

1. I am an attorney at law duly licensed to practice before the above-entitled court, and am an attorney with the law firm of Houser LLP as counsel for PHH MORTGAGE CORPORATION, successor OCWEN LOAN SERVICING, LLC ("PHH"). I have personal knowledge of the facts set forth herein, except as to those on information and belief, and if called as a witness I could competently testify thereto.

2. I am advised and a review of the certificate of service corroborates that Debtor's Motion was not served upon PHH. A copy had been recently forwarded to PHH last week by another counsel as a courtesy. After review, PHH indicated our firm is being retained concerning the Debtor's Motion on Monday, May 24, 2021 and I received the official referral the next day. Attached as **Exhibit "1"** is a true and correct copy of an e-mail I immediately sent to the Debtor's counsel of record on the same day regarding my retention and requesting an extended date for my client's response to the Motion. I also placed a telephone call to counsel the same day and left a similar message. Having not heard back from counsel, attached as **Exhibit "2"** is a true and correct copy of the Notice of Appearance and Request for Continuance I had filed later that day, on May 24th. [Doc 1347].

3. Ocwen Loan Servicing, LLC merged and has not existed as an entity since effective approximately June 1, 2019, nearly two years ago. Indeed, a two minute business search on the website for the Nevada Secretary of State would reveal the entity status for Ocwen Loan Servicing, LLC is cancelled. Although PHH is the successor, it was and remains a separate entity with a different loan servicing system. The loan that is the subject of the Motion was not serviced by and is not included in PHH's servicing system.

/s/ Jeffrey S. Allison

EXHIBIT 1

Jeffrey S. Allison

From: Jeffrey S. Allison
Sent: Monday, May 24, 2021 10:35 AM
To: 'atty@cburke.lvcoxmail.com'
Subject: In Re: Melanie & William Schulte - Motion for Contempt Sanctions (ECF 1334) - Greetings re Retention & Request for Continuance

Importance: High

Mr. Burke,

We have just been retained this morning regarding the Schulte's Motion for Contempt (Doc 1334) by PHH Mortgage Corporation, successor to Ocwen Loan Servicing, LLC which no longer exists. The mailed 112-page Motion was also forwarded a few moments ago which I have not had an opportunity to read, but I see there is a hearing coming up in two days on May 26th. I also have three other hearings that morning.

Would you agree to a continuance of the motion hearing and opposition date to afford my client PHH/Ocwen an opportunity to respond?

Thanks,

Jeffrey S. Allison

Senior Attorney

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www.houser-law.com

Offices in Arizona, California, Connecticut, Massachusetts,
Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon & Washington

Admitted to Practice in California & Nevada.

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EXHIBIT 2

Jeffrey S. Allison (NV Bar # 8949)

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Attorneys for PHH MORTGAGE CORPORATION, successor to OCWEN LOAN SERVICING, LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

Case No. 09-29123-MKN

In Re:

Chapter 11

MELANI SCHULTE and
WILLIAM R. SCHULTE,

Jointly Administered with:

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1708 PLATO PICO LLC,
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09-27913-MKN
09-27914-MKN
09-27916-MKN
09-28513-MKN
09-31584-MKN

Debtors.

**NOTICE OF APPEARANCE AND
REQUEST FOR CONTINUANCE OF PHH
MORTGAGE CORPORATION, successor
to OCWEN LOAN SERVICING, LLC
REGARDING DEBTORS' MOTION FOR
CONTEMPT [DOC 1334]**

Date: May 26, 2021

Time: 9:30 a.m.

Judge: HON MIKE K. NAKAGAWA

1 **TO THE CLERK OF THE COURT AND DEBTORS' COUNSEL:**

2 **PLEASE TAKE NOTICE** that PHH MORTGAGE CORPORATION, successor to
3 OCWEN LOAN SERVICING, LLC ("PHH") hereby enters its appearance by and through its
4 undersigned counsel retained on May 24, 2021 regarding Debtors' Motion for Contempt for
5 Violation of the Automatic Stay and Discharge Injunction, Failing to Comply with Court Order and
6 the Confirmed Plan and for Damages including Attorneys' Fees Against Creditors ("Motion").

7 Upon receipt and retention by PHH, the undersigned counsel on the same day sent an e-mail
8 to and placed a telephone call with counsel for Debtors regarding the Motion dates. Accordingly,
9 PHH respectfully requests the initial hearing presently scheduled for May 26, 2021 be continued to
10 afford PHH sufficient time to review the 114 page Motion and prepare a response.

11
12 DATED: May 24, 2021

HOUSER LLP

13
14 /s/ Jeffrey S. Allison
JEFFREY S. ALLISON, ESQ.
15 Nevada Bar No. 8949
9970 Research Drive
16 Irvine, CA 92618
Attorneys for PHH MORTGAGE
17 CORPORATION, successor to OCWEN LOAN
SERVICING, LLC
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24

CERTIFICATE OF SERVICE

I hereby certify that I am over the age of eighteen (18), I am not a party to this action, and that on this date I caused to be served a true and correct copy of this **NOTICE OF APPEARANCE AND REQUEST FOR CONTINUANCE OF PHH MORTGAGE CORPORATION, successor to OCWEN LOAN SERVICING, LLC REGARDING DEBTORS' MOTION FOR CONTEMPT [DOC 1334]** by:

☒ ECF
☒ U.S. Mail
☐ Facsimile transmission
☐ Overnight Mail
☐ Hand and/or Personal Delivery

and addressed to the following:

CHRISTOPHER P. BURKE, ESQ
218 S. MARYLAND PKWY.
LAS VEGAS, NEVADA 89101
TEL: (702) 385-7987
atty@cburke.lvcoxmail.com

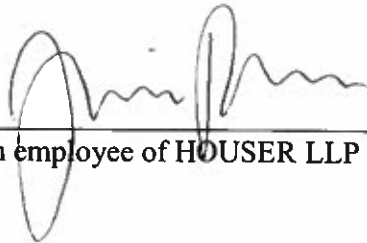
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Attorney for Debtors

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Mailing Address:
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P.O. Box 17933
San Diego, California 92177-0933

*Attorneys for SHELLPOINT MORTGAGE
SERVICING*

Dated: May 24, 2021


An employee of HOUSER LLP

CERTIFICATE OF SERVICE

I hereby certify that I am over the age of eighteen (18), I am not a party to this action, and that on this date I caused to be served a true and correct copy of this **DECLARATION OF JEFFREY S. ALLISON IN SUPPORT OF OPPOSITION OF PHH TO DEBTORS' MOTION FOR CONTEMPT FOR VIOLATION OF THE AUTOMATIC STAY AND DISCHARGE INJUNCTION, FAILING TO COMPLY WITH A COURT ORDER AND THE CONFIRMED PLAN AND FOR DAMAGES AGAINST CREDITORS [DOC 1334]** by:

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and addressed to the following:

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Attorney for Debtors

EDDIE JIMENEZ, ESQ.

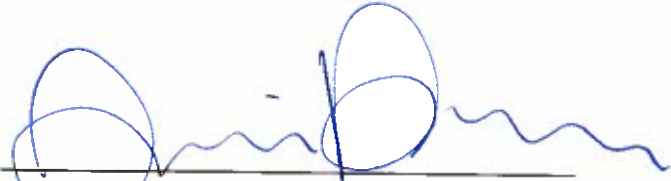
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SERVICING*

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Dated: May 27, 2021


An employee of HOUSER LLP